



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

WILL WILSON
ATTORNEY GENERAL

September 6, 1961

Honorable Jules Damiani, Jr.
Criminal District Attorney
Galveston County
Galveston, Texas

Opinion No. WW-1133

Re: Whether the proposed
formal contract between
the United States of
America and the State
of Texas meets the
conditions required
by Senate Bill 1, Acts
of the 57th Legislature,
First Called Session.

Dear Mr. Damiani:

You have requested this office for an opinion as to whether or not the proposed formal contract, a copy of which is attached hereto, between the United States of America, acting through the Department of Commerce, Maritime Administration, and the State of Texas, acting through the Chancellor of the Texas Agriculture and Mechanical College System and the President of the Agriculture and Mechanical College of Texas, meets the requirements set forth in the Appropriations Bill, Senate Bill 1, Acts of the 57th Legislature, 1st Called Session.

On page IV-45 of Senate Bill 1, the following provisions pertaining to the Texas Maritime Academy are found:

"In addition to the amounts specified above, there are also hereby appropriated to the Texas Maritime Academy all funds received from any other source, including the Federal Government, to be used for the purposes for which such funds are made available, provided such funds shall be deposited with the State Treasurer and withdrawn only upon vouchers submitted to the State Comptroller of Public Accounts.

"It is specifically provided, however, that the appropriations made hereinabove are contingent upon either industry or the Federal Government, or both, furnishing, or by formal contract agreeing to furnish, a seagoing vessel and sufficient funds to provide for the

Honorable Jules Damiani, Jr., page 2 (WW-1133)

annual maintenance and operation of said vessel. None of the moneys appropriated hereinabove for the fiscal year beginning September 1, 1962 may be expended unless and until such agreements or contracts for the preceding year beginning September 1, 1961 have been fulfilled. A copy of any such agreements or contracts shall be filed with the Governor prior to the expenditure of any of the moneys appropriated hereinabove." (Emphasis added)

Article 5 of the proposed formal contract between the United States of America and the State of Texas provides that:

"Upon the application in writing of the Governor of the State of Texas, acting upon the recommendation of the proper School authority, the Administration agrees to furnish a suitable training vessel subject to the provisions of Section 3 of the Act and of paragraph 31C.4, Administration General Order 87."

Article 1(b) of the proposed formal contract between the United States of America and the State of Texas provides that:

"The preceding paragraph contemplates an annual assistance payment of \$75,000 for the maintenance and operation of the School. This amount has been found more than sufficient for the annual cost to be borne by the State for the maintenance and operation of training ships operated by some of the existing state maritime academies. The Administration hereby stipulates that such portion of the \$75,000 assistance payment as is necessary to pay for said expenses is hereby made available to the State for this specific purpose. The unused portion may be used for other expenses incident to the operation and maintenance of the School. In any one fiscal year the Superintendent of the School shall not be authorized to spend more than the \$75,000 received from the Federal Government and deposited with the State Treasurer pursuant to Section 4 of the Act for the aforementioned expense to operate and maintain the ship." (Emphasis added)

Honorable Jules Damiani, Jr., page 3 (WW-1133)

Since the provisions of Article 5 of the proposed formal contract between the United States of America and the State of Texas provide for the furnishing of a suitable training vessel to the Texas Maritime Academy, and since the provisions of Article 1(b) provide for the furnishing of sufficient funds for the annual maintenance and operation of such vessel we are therefore of the opinion that upon approval of such formal contract as to form and substance, and after execution of same by the proper parties thereto, that the requirements set forth on page IV-45 of Senate Bill 1 that:

" . . . the appropriations made hereinabove are contingent upon either industry or the Federal Government, or both, furnishing, or by formal contract agreeing to furnish, a seagoing vessel and sufficient funds to provide for the annual maintenance and operation of said vessel. . . .",

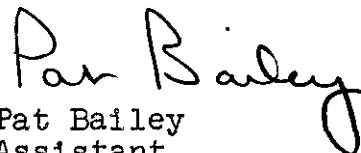
would be fulfilled.

S U M M A R Y

The proposed formal contract between the United States of America and the State of Texas relative to the Texas Maritime Academy meets the conditions required in Senate Bill 1, Acts of the 57th Legislature, 1st Called Session.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
Pat Bailey
Assistant

PB:dhs

APPROVED:
OPINION COMMITTEE
W. V. Geppert, Chairman
William E. Allen
Joe A. Osborn
J. C. Davis

REVIEWED FOR THE ATTORNEY GENERAL
BY: Howard W. Mays